

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROGER EUGENE SENTIWANY,	:	CIVIL ACTION NO. 1:07-CV-0531
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MICHAEL J. ASTRUE,	:	
Commissioner of	:	
Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 16th day of November, 2007, upon consideration of the report of the magistrate judge (Doc. 16), to which no objections were filed (see Doc. 17), recommending that the case be remanded to the Commissioner of Social Security for a determination of whether plaintiff's disability commenced on a date prior to September 1, 2005, and, following an independent review of the record, it appearing that Dr. Smith's March 7, 2006 letter is new evidence because it is not cumulative of any evidence that is already in the record, see Szubak v. Sec'y of Health & Human Servs., 745 F.2d 831, 833 (3d Cir. 1984), that plaintiff either submitted the letter to the administrative law judge ("ALJ") or relied in good faith upon a belief that the letter had been incorporated into the record before the ALJ, see id., and that the letter is material because there is a reasonable probability that its contents would have affected the plaintiff's disability date, see id., it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 16) is ADOPTED.
2. The above-captioned action is REMANDED to the Commissioner of Social Security for further proceedings consistent with this order and the report and recommendation of the magistrate judge (Doc. 16).
3. The Clerk of Court is directed to CLOSE this case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge